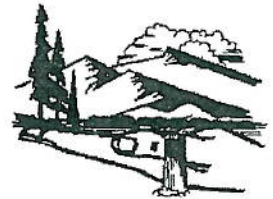




Matthew H. Mead, Governor

# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Todd Parfitt, Director

June 2, 2014

Certified #7012 2920 0002 3700 9794

Return Receipt Requested

Mr. Mathew Hammon  
Rapid Fire Protection  
1805 Samco Road  
Rapid City, SD 57702

RE: Issuance of Notice of Violation (NOV) & Penalty

Dear Mr. Hammon:

Enclosed is a Notice of Violation (NOV) issued for violations of the Wyoming Solid Waste Rules and Regulations (SWRR) and the Water Quality Rules & Regulations (WQRR). The violations are for the unauthorized management of wastes, open dumping of wastes into a Walmart parking lot and failure to report the spill/release of oil or other hazardous substances. These violations resulted from Rapid Fire Protection, Inc. failing to control or contain wastes during its' draining and servicing the fire suppression system at American Laundry adjacent to the Walmart parking lot in Riverton, WY .

Due to the seriousness of these violations and direct exposure to the public actively using the Walmart parking lot, the department is issuing this NOV and has determined to seek a penalty or voluntary settlement.

If you have any questions regarding the attached NOV or would like to schedule a meeting to discuss voluntary settlement, please contact Mr. Charles Plymale in our Lander office at (307)335-6951 or Bob Breuer in our Casper office at (307) 473-3454.

Sincerely,

Luke Esch  
Administrator  
Solid and Hazardous Waste Division

Enclosure: NOV

C: Kevin Frederick, Administrator, WDEQ/WQD, Cheyenne  
Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office, File #50.721  
Charlie Plymale, I&C, WDEQ/SHWD Lander Office, File #50.721

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**STATE OF WYOMING**

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

RAPID FIRE PROTECTION  
1805 SAMCO ROAD  
Rapid City, SD 57702

)  
)  
) DOCKET NO. 5408-14

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT

1. On March 20, 2014, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Charles Plymale, received multiple complaints of Rapid Fire Protection, Inc. disposing of waste from the American Laundry fire suppression system into the Riverton, WY Walmart parking lot. An inspection was conducted to evaluate compliance with the Wyoming Solid Waste Rules & Regulations (SWRR).
2. On or subsequent to March 20, 2014, circumstances, communications with affected parties and evidence indicated Rapid Fire Protection, Inc. was draining and servicing the fire suppression system at the American Laundry facility adjacent to Walmart in Riverton, WY.
3. The inspection revealed the following violations of the Wyoming Solid Waste Rules and Regulations (SWRR), and the Wyoming Water Quality Rules and Regulations (WQRR) as a result of Rapid Fire Protection, Inc. discharging waste propylene glycol solution into the Walmart parking lot:

Count 1: The Wyoming SWRR, Chapter 1, Section 1(f) and Wyoming Statute § 35-11-502(a) prohibit disposal of wastes without a permit or other authorization. Rapid Fire Protection, Inc. did not have a permit or one-time authorization to dispose of waste in the Riverton Walmart parking lot. Therefore, the violations resulted from Rapid Fire Protection's discharging waste propylene glycol from the American Laundry fire suppression system into the open Walmart parking lot without taking any steps for collection or containment or obtaining authorization for discharge of the waste.

Count 2: The Environmental Quality Act (Act) and the SWRR prohibits open dumping of wastes. [SWRR, Chapter 1, Section 1(h)] Rapid Fire Protection, Inc. is engaged in the open dumping of wastes (industrial propylene glycol/water mixture). SWRR, Chapter 1, Section 1(e)(i), defines "Open dump" as meaning an uncontrolled waste management facility at which wastes are placed on the land in such a manner that they present a real or potential hazard to public health and the environment. Open dump includes any waste management facility subject to the permitting requirements of these rules and regulations which does not have a current, valid permit. The discharge of wastes in the Walmart parking lot without the required waste management permit meets the definition of 'Open dump'.

Count 3: Wyoming Water Quality Rules and Regulations (WQRR): [Chapter 4, Section 4 (a)(i), and Section 4 (a)(ii)] Any person owning or having control over oil or a hazardous substance which, after release, enters, or threatens to enter, waters of the state shall: (i) immediately take appropriate action to stop and contain release. (ii) Immediately notify the division of the type, quantity, and location of the release, and of the response, containment, and cleanup actions which have been taken or are proposed to be taken. Rapid Fire Protection, Inc. failure to contain the waste which could or did enter waters of the state via nearby storm sewers or notify the division of the release, constitutes a violation of these requirements.





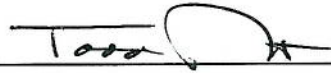
4. ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder, is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

5. THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Signed this 23rd day of JUNE, 2014



Luke Esch  
Administrator  
Solid & Hazardous Waste Division



Todd Parfitt  
Director  
Dept. of Environmental Quality



Kevin Frederick  
Administrator  
Water Quality Division